

Official Minutes for Webb County Commissioners Court Meeting

Monday, April 24, 2006 at 1:00 PM
and continuing Tuesday, April 25, 2006 at 1:00 PM
(Approved 06-12-2006)

- Item No. 1 Call to order by Judge Louis H. Bruni
Let it be remembered that a regular meeting of the Webb County Commissioners Court was held at 1:00 p.m. at the regular meeting place with the following members present to wit:

Louis H. Bruni	County Judge
Frank Sciaraffa	Commissioner, Pct. 1
Judith Gutierrez	Commissioner, Pct. 2
Jerry Garza	Commissioner, Pct. 3
Cindy Cortez-Brunner	Commissioner, Pct. 4

Thus constituting a quorum, the Commissioners Court proceeded to act upon the Agenda as posted in the meeting notice of the 19th and 20th of April 2006. Present also were Mr. Marco Perez, Deputy County Clerk representing Mrs. Margie Ramirez Ibarra, Ex-officio Clerk of the Commissioners Court, various officers and others interested in the business of the Court.

- Item No. 2 Roll Call – Margie Ramirez Ibarra, Webb County Clerk

- Item No. 3 Pledge of Allegiance – Led by All

- Item No. 4 Approval of minutes – April 10, 2006

Comr. Gutierrez motioned to accept the minutes as presented. Comr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 5 Approval of bills, payroll and monthly reports

Ms. Delia Perales, County Treasurer, presented her monthly report ending March 2006.

Judge Bruni motioned to accept the Treasurer's Monthly Report. Comr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 6 Communications

Comr. Gutierrez stated that the meeting regarding the termination of Mr. Oscar Villarreal, Elections Administrator, was postponed until after May 8, 2006.

Item No. 7 Public Comment

Ms. Carol Sherwood was present to address Item No. 17.

Cmr. Gutierrez motioned to move up Item No. 17. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 17 Discussion and possible action to enter into a design build contract and authorize the County Judge to sign all relevant documents with CG Construction, Inc., d/b/a CC Construction in the amount of NINE HUNDRED SIXTY-ONE THOUSAND FIFTY-FOUR DOLLARS (\$961,054.00), to be completed in three phases, the first phase in the amount of FOUR HUNDRED THIRTY-NINE THOUSAND SEVEN HUNDRED TWENTY-TWO DOLLARS (\$439,722.00) consisting of overall design work and the construction of sidewalks, a pavilion, playground, bathrooms, landscaping, playscapes, septic system, electrical work and chain link fencing located on the Self-Help Community Center on State Highway 359. Phase 2 in the amount of TWO HUNDRED EIGHTY-FOUR THOUSAND SEVEN HUNDRED EIGHTY-ONE DOLLARS (\$284,781.00) and Phase 3 in the amount of TWO HUNDRED THIRTY-SIX THOUSAND FIVE HUNDRED ONE DOLLARS (\$236,501.00), which are subject to availability and approval of additional funds, include the construction of additional sidewalks, landscaping, bathrooms, concession stand and press box, chain link fencing, baseball accessories, p.a. system, scoreboard, jogging trail, soccer field and concrete basketball court [Requested by Engineering Department].

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Cortez-Brunner seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 8 Discussion and possible action to grant R.W. Harden and Associates a thirty –day extension for completion of the Webb County Water well on the Carrizo Wilcox Aquifer, and any other matters incident thereto.

Cmr. Cortez-Brunner inquired as to how much has been paid on this project. Mr. Leo Flores, County Auditor, stated that he would have that information for the court tomorrow.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 9 Status report on current construction projects and the commissioning of commemorative and/or identifying plaques for the same, and any other matters incident thereto.
- Judge Bruni stated that there were several plaques missing at county sites. He stated that they should have the County seal as well as the names of the Commissioners Court members that were in office when the project was started and when it was completed.
- Item No. 10 Discussion regarding status report from Webb County Engineer on the Water and Sewer Colonia Project for Hwy 359.
- Mr. Tomas Rodriguez, County Engineer, advised the court that they are in the process of obtaining ROW's for the water and sewer project. He stated that the colonias on Hwy 59 and those on Hwy 359 are pending ROW signatures. He stated that San Carlos I is already at 100% ROW Acquisition.
- Item No. 11 Discussion regarding status report for Bruni and Mirando Paving Projects.
- The court was advised that the proposed completion date for the Mirando Paving Project was October 2006 and the Mirando Paving Project was March 2007. Judge Bruni stated that he was looking into possibly having the project completed by December 2006.
- Item No. 12 Discussion and possible action to accept a donation in the amount of One Thousand Three Hundred Dollars (1,300.00) from Baptist Children's Home Ministries for the Self Help Center; Fund 506-2100.
- Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Garza seconded the motion.
- Motion carried 5-0 by unanimous consent.
- Item No. 13 Status report on the Laredo Casa Blanca Golf Course improvements
- The court was advised that two bids were received on April 12, 2006 and the bid was awarded to Professional Golf Services on April 25, 2006 for a total amount of \$282,000.
- Item No. 14 Status report on the construction of the Juvenile Detention Center
- The court was advised that the process is currently underway and that the court would be brought some recommendations and figures by May 19.
- Item No. 15 Discussion and possible action to schedule a Bond Series 2006 workshop, and any other matters incident thereto.
- Cmr. Gutierrez stated that they would need to review their schedules to see what date everyone was available. Judge Bruni requested an opportunity to speak with

their secretaries and set a date. Mr. Carlos Villarreal, Executive Administrator, stated that he would address each court members after they have had an opportunity to review their schedules. He stated that a staff committee will meet once more to review what monies are available and make a recommendation to the court as to how to designate the monies. He stated that they will be giving the court a list of projects that the court can then approve or reject.

No other action was taken.

- Item No. 16 Discussion and possible action to amend the agreements start and end date (beginning April 1, 2006 through December 31, 2006) with South Texas Workforce Development Board to provide internet access at the Self Help Center for an annual amount of TWO THOUSAND DOLLARS (\$2,000.00) and authorizing the County Judge to sign all relevant documents. [Requested by Self Help Center; Account No. (Center is not a budget item)]

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 18 Discussion and possible action to enter into a contract with Prada Construction L.L.C. for the construction of a recreational center in Rio Bravo, Texas, in the amount of FOUR HUNDRED FIFTY-SIX THOUSAND EIGHT HUNDRED DOLLARS (\$456,800.00) and authorizing the County Judge to sign all relevant documents.

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 19 Discussion and possible action to enter into an "Agreement with State/Local Law Enforcement Agencies for Temporary use of Department of the Navy Equipment/Facilities for Law Enforcement Purposes" in the amount of SEVEN THOUSAND TWO HUNDRED DOLLARS, for a one year period, to pay the estimated cost of use of twelve night vision goggles and twelve night vision monoculars and authorizing the County Judge to sign all relevant documents. [Requested by Purchasing Department]

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 25 Discussion and possible action to give authorization to create and fill three (3) Temporary Construction Laborer slots for the Self-Help Center effective April 24, 2006 at a pay rate of \$8.25 per hour. These positions will be funded through Self- Help Center grant funds (Account # 506-6500-7009-001) and will have no impact on the General Fund.

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 26 Discussion and possible action to accept recommendations from the Texas Department of Housing and Community Affairs Office of Colonia Initiatives on the following eligible applicants to receive assistance under the Self-Help Center Housing Contract for Deed with Rehabilitation Program: Mr. Luis Rios, Mr. Mario Botello of Rio Bravo, Texas and Mr. Jose Martinez of El Cenizo, Texas, and the authorization for the purchasing agent to solicit proposals for the rehabilitation of these three homes. (Account # 459-4301-7037-3)

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 27 Discussion and possible action to accept TCDP Contract # 725891 for \$800,000 (Eight Hundred Thousand Dollars) and Contract Amendment #1 as approved by County Commissioners Court for submission on November 28, 2005, and authorizing the County Judge to sign all relevant documents.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 28 Discussion and Possible Action Authorizing Deduct Change Order No. 5 in the amount of \$15,379.00 and Final Payment and Retainage in the amount of \$37,822.68 to Gilbert Texas Construction, Inc. to their contract for the TXDOT Border Colonias Access Program Rio Bravo

Paving Project Phase II. This will decrease their contract from \$771,832.50 to \$756,453.50.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 29 Discussion and Possible Action Authorizing Amendment No. 1 to Foster Engineering's Contract, for the design of paving and storm drainage improvements in Tanquecitos I & II, in the amount of \$39,297.00, for the platting of Tanquecitos II. This project is funded by the TXDOT Border Colonias Access Program.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 30 Discussion and Possible Action Authorizing 80 Per Cent Payment of the Retainage to Ramos Industries, Inc. in the amount of \$174,062.25 for the TWDB-EDAP 1.5 million gallons per day Regional Waste Water Treatment Plant project. The Project is 99.8 per cent complete.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 31 Discussion and Possible Action Authorizing the County Engineer to Negotiate with the D. D. Hachar Foundation to obtain a storm drainage easement that will alleviate the flooding that occurs in Rio Bravo at Crisantena and Vela Streets and the west end of the Vela Tract.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 32 Discussion and possible action to purchase 12 time clocks and payroll software for the Facilities Department and to charge this expenditure of \$13,363.00 to Repairs & Maintenance of Equipment account 001-0106-6402.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Mr. Raul Elizondo, Facilities Director, requested that this item be tabled.

Cmr. Garza motioned to table Item No. 32. Judge Bruni seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 33 Discussion and possible action to grant Final Plat Approval of the Bonanza Hills Subdivision, Phase II (approval recommended by the Webb County Planning Advisory Board and Planning Staff).

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Gutierrez motioned to open the Public Hearing. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

PUBLIC HEARING (3:34 PM)

- Item No. 34 Public Hearing to receive public comments on the Proposed Amended Order Regulating On-Site Sewage Disposal in Webb County, Texas pursuant to the provisions of Title 30 Texas Administrative Code

There were no Public Comments.

Cmr. Gutierrez motioned to close the Public Hearing. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

CLOSE PUBLIC HEARING (3:40 PM)

- Item No. 35 Discussion and possible action to consider the adoption of the Proposed Amended Order Regulating On-Site Sewage Disposal in Webb County, Texas. Final adoption and the effective date of this Order is established upon formal approval of the Texas Commission on Environmental Quality (TCEQ).

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 36 Discussion and possible action to authorize the lease purchase of one (1) digital copier from Office Communications Systems for thirty-six (36) months for the Webb County Self Help Center in the amount of \$176.00 monthly. Account No. 506-6500-6402.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 37 Discussion and possible action to authorize the purchasing agent to dispose of surplus property as per Subchapter D. Disposition of Salvage or Surplus Property, Texas Local Government Code.

Cmr. Sciaraffa motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 38 Discussion and possible action to authorize the purchasing agent to solicit bids for the following Annual Contracts for 2006-2007:

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| · Fuel | · Lubricants |
| · Flexible Base | · Emulsion |
| · Auto Parts | · Motor Vehicles Batteries |
| · Heavy Equipment | · Wheel Alignment & Balancing Service |
| · Replace Muffler | · Milk, Orange Juice & Orange Drink |
| · Coffee | · Bread |
| · Spices & Related Items | · Janitorial Supplies |
| · Oxygen, Acetylene & Welding Supplies | · Electrical Supplies |
| · Maintenance & Service of Fire Extinguishers | · Pest Control Service |
| · Pharmaceutical Supplies | · Car Wash Services |
| · Tires and Tubes | · Light Bulbs and Lamp |
| · Auto Parts w/Service out-of-shop | · Glass Replacement |
| · Plumbing Supplies | · Liquid Soil Stabilizer |
| · Hot Mix Asphalt | · Ice |
| · Concrete | · Automatic Transmission Repairs |
| · Engine Repair and Overhauls | · Electrical Repair Service |
| · Hydraulic Cylinder Repair & Associated Items | |

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 39 Discussion and possible action to authorize the purchasing agent to solicit Requests for Proposals for the Webb County Employee Health Insurance and Supplemental Insurance Programs for Fiscal Year 2006-2007.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Gutierrez motioned to move into Executive Session. Cmr. Cortez-Brunner seconded the motion.

Motion carried 5-0 by unanimous consent.

EXECUTIVE SESSION (3:54 PM to 5:27 PM)

- Item No. 40 Discussion and possible action regarding Civil Action No. L-05-CV-0076; Luis Montes vs. Webb County, Texas and Cynthia Mares; In the United States District Court for the Southern District of Texas, Laredo Division. [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)].

Cmr. Gutierrez motioned to have the County Attorney continue to try the case. Cmr. Garza seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 41 Discussion and possible action regarding Civil Action No. L-04-CV170; Jesus Eligio "Chuy" Cantu vs. Webb County, Texas and Webb County Commissioners Court; In the United States District Court for the Southern District of Texas, Laredo Division. [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]

This item was for information purposes only.

- Item No. 42 Discussion and possible action regarding the Application of Regional Land Management Services, Ltd., for a Type I Municipal Solid Waste Permit (No. MSW- 2286); SOAH Docket No. 582-04-0975; TCEQ Docket No. 2003-0729-MSW and any matters incident thereto. [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]

Cmr. Gutierrez stated that if the county doesn't fight this, this is what we would be leaving to our children. She stated that the court had an obligation to protect the interests of Webb County.

Cmr. Gutierrez motioned to allocate the funds necessary to have Mr. Jim Allison oppose this application. Cmr. Sciaraffa seconded the motion.

Mr. Homero Ramirez, County Attorney, stated that it is in the public's interest to withdraw the opposition to this application if it is found that the applicants' interest is first.

Cmr. Sciaraffa stated that they needed to protect the public interest since this posed a health hazard.

Motion carried 3-1 with Judge Bruni abstaining and Cmr. Cortez-Brunner voting against.

Item No. 43 Discussion and possible action regarding Civil Action NO. 2005-CVF-000092-D2 the County of Webb v. Olga Paez; In the 111th District Court, Webb County, Texas. [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]

No action was required for this item.

Item No. 44 Discussion and possible action regarding potential lawsuit against Webb County by former M.I.S. Director Guillermo Garcia; Status of EEOC Charge No. 31CA600011 and Texas Workforce Commission Civil Rights Division Complaint No. 1A60002-S. [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]

No action was required for this item.

Item No. 45 Discussion and possible action regarding Webb County, Texas v. Greg Abbott, et al No GV-043943; In the 261st Judicial District Court of Travis County, Texas; and any matters incident thereto. [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]

No action was required for this item.

Item No. 46 Discussion and possible action regarding the City of Laredo, Texas v. Martha Escamilla et al; Court of Appeals Number: 04-05-00456-CV in the Fourth Court of Appeals District and any matters incident thereto. [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]

No action was required for this item.

Item No. 47 Discussion and possible action regarding the Application of Regional Land Management Services, Ltd., for a Type I Municipal Solid Waste Permit (No. MSW-2286); SOAH Docket No. 582-04-0975; TCEQ Docket No. 2003-0729-MSW and any matters incident thereto. [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]

No action was required for this item.

Item No. 48 Discussion and possible action regarding Rosalinda Delgado v. Webb County, Texas et al; No. 04CV-00182 in the United States District Court for the Southern District of Texas, Laredo Division and any

matters incident thereto. [Executive Session is requested pursuant to Texas Government Code Title 5, Subchapter D, Section 551.071 (Consultation with Attorney)]

No action was required for this item.

Addendum
Item No. 1

Discussion and possible action to approve the transfer of slot #1126:
From: 980-4250 To: 001-1044

Judge Bruni motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Addendum
Item No. 2

Discussion and possible action to fill slot #2285 Director of the Fred & Anita Bruni Community Center at a salary equal to other Community Center Directors and to fill slot #2286 Receptionist at an annual salary of \$22,000.

Cmr. Cortez-Brunner motioned to approve item as submitted. Judge Bruni seconded the motion.

Motion carried 3-2 with Cmr. Gutierrez and Cmr. Garza voting against.

Addendum
Item No. 3

Discussion and possible action to authorize the purchase of one remote control robot in the amount of \$8,332.00 from The Robot Factory Inc. for the Sheriff's Department from account number 168-2001-8801.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 49

Adjournment

Cmr. Gutierrez motioned to adjourn the meeting. Cmr. Sciaraffa seconded the motion.

Motion carried 5-0 by unanimous consent.